

**CIVIL CASE INFORMATION STATEMENT**  
(Civil Cases Other than Domestic Relations)**I. CASE STYLE:**

Case No. \_\_\_\_\_

**Plaintiff(s)**

Judge: \_\_\_\_\_

G. Isaac Spouauble, IIIPO Box 578Franklin, WV 26807

vs.

**Days to  
Answer****Type of Service****Defendant(s)**20PersoualJames Conley Justice, II

Name

1900 Kanawha Blvd. E, Room 1

Street Address

Charleston, WV 25305

City, State, Zip Code

**II. TYPE OF CASE:**

- |  |   |
|--|---|
| <input type="checkbox"/> General Civil                                     | <input type="checkbox"/> Adoption                           |
| <input type="checkbox"/> Mass Litigation [As defined in T.C.R. 26.04(a)]   | <input type="checkbox"/> Administrative Agency Appeal       |
| <input type="checkbox"/> Asbestos  | <input type="checkbox"/> Civil Appeal from Magistrate Court |
| <input type="checkbox"/> FELA Asbestos                                     | <input type="checkbox"/> Miscellaneous Civil Petition       |
| <input type="checkbox"/> Other: _____                                      | <input type="checkbox"/> Mental Hygiene                     |
| <input checked="" type="checkbox"/> Habeas Corpus/Other Extraordinary Writ | <input type="checkbox"/> Guardianship                       |
| <input type="checkbox"/> Other: _____                                      | <input type="checkbox"/> Medical Malpractice                |

**III. JURY DEMAND:** ☐ Yes ☒ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 05 / 2019**IV. DO YOU OR ANY  
OF YOUR CLIENTS  
OR WITNESSES  
IN THIS CASE  
REQUIRE SPECIAL  
ACCOMMODATIONS?**☐ Yes ☒ No**IF YES, PLEASE SPECIFY:**

- ☐
- Wheelchair accessible hearing room and other facilities
- 
- ☐
- Reader or other auxiliary aid for the visually impaired
- 
- ☐
- Interpreter or other auxiliary aid for the deaf and hard of hearing
- 
- ☐
- Spokesperson or other auxiliary aid for the speech impaired
- 
- ☐
- Foreign language interpreter-specify language: \_\_\_\_\_
- 
- ☐
- Other: \_\_\_\_\_

Attorney Name: G. Isaac Spouauble, IIIFirm: Spouauble & SpouaubleAddress: PO Box 578, Franklin, WV 26807Telephone: (304) 358-2337

Representing:

- ☒
- Plaintiff
- ☐
- Defendant
- 
- ☐
- Cross-Defendant
- ☐
- Cross-Complainant
- 
- ☐
- 3rd-Party Plaintiff
- ☐
- 3rd-Party Defeudaut

☐ Proceeding Without an AttorneyOriginal and 4 copies of complaint euclosed/attached.Dated: 12 / 07 / 2018Signature: 

Plaintiff: G. Isaac Sponangle, III, et al Case Number: \_\_\_\_\_

vs.

Defendant: James Conley Justice, II, et al

**CIVIL CASE INFORMATION STATEMENT  
DEFENDANT(S) CONTINUATION PAGE**

WV Attorney General

Defendant's Name

1900 Kanawha Blvd. E, Room E-26

Street Address

Charleston, WV 25305

City, State, Zip Code

Days to Answer: N/A

Type of Service: Personal

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: \_\_\_\_\_

Type of Service: \_\_\_\_\_

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

STATE OF WEST VIRGINIA, ex rel.,

**G. ISAAC SPONAUGLE, III,**  
West Virginia citizen and taxpayer,  
Petitioner,

v.

Civil Action Number: 18-P-\_\_\_\_\_  
Judge: \_\_\_\_\_

**JAMES CONLEY JUSTICE, II,**  
Governor of the State of West Virginia,  
Respondent.

**PETITION FOR WRIT OF MANDAMUS**

COMES NOW Petitioner, G. Isaac Sponaugle, III, and for his Verified Petition for Writ of Mandamus, alleges and states the following:

- I) That Petitioner on August 9, 2018, deposited with the United States Postal Service, two certified letters, postage prepaid, to West Virginia Governor Jim Justice and West Virginia Attorney General Patrick Morrisey, both addressed to their respective addresses, that provided a notice of intent to sue after 30 days pursuant to W. Va. Code § 55-17-1. Both of the aforesaid letters were received on August 13, 2018. Copies of the aforesaid letters and return service that were issued by the United States Postal Service are attached hereto and incorporated by reference.
- 2) That Petitioner is an adult citizen and taxpayer of Pendleton County, West Virginia.
- 3) That Respondent, James Conley Justice, II, is the 36<sup>th</sup> and current Governor of the State of West Virginia. He was elected on November 8, 2016. He took an oath or affirmation of office on January 16, 2017, at the West Virginia State Capitol, located in Kanawha County, West Virginia. He swore to support the constitution of the United States of America, the constitution of the State of West Virginia, and to faithfully discharge the duties of the office of Governor of the State of West Virginia to the best of his skill and judgment.

- 4) That the seat of West Virginia state government is in Charleston, Kanawha County, West Virginia, pursuant to Section 20 of Article VI of the West Virginia Constitution, which sets forth the following: “The seat of government shall be at Charleston, until otherwise provided by law.”
- 5) That jurisdiction and venue are proper in the Circuit Court of Kanawha County for a Writ of Mandamus pursuant to W. Va. Code § 53-1-2.
- 6) That Section 1 of Article VII of the West Virginia Constitution sets forth the following: “7-1 Executive department. The executive department shall consist of a governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general, who shall be ex officio reporter of the court of appeals. Their terms of office shall be four years, and shall commence on the first Monday after the second Wednesday of January next after their election. They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices, and shall perform such duties as may be prescribed by law.”
- 7) That W. Va. Code § 6-5-4 sets forth the following: “§6-5-4. Residence of officers. The Governor, Secretary of State, state superintendent of free schools, Auditor, Treasurer, Attorney General and Commissioner of Agriculture, shall reside at the seat of government during their term of office, and keep there the public records, books and papers pertaining to their respective offices. Every judge of a circuit court shall, during his continuance in office, reside in the circuit for which he was chosen. Every county and district officer, except the prosecuting attorney, shall, during his continuance in office, reside in the county or district for which he was elected. And the removal by any such officer from the state, circuit, county or district for which he was elected or chosen shall vacate his office.”

- 8) That both Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 contain mandatory nondiscretionary constitutional and statutory duties for the named members of the executive department.
- 9) That Respondent has not resided at the seat of government for more than 30 days from January 16, 2017 until the filing this Petition for Writ of Mandamus. This is despite housing afforded to him at the West Virginia Governor's Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia. Respondent by his own public admissions has not and continues to reside in Greenbrier County, West Virginia, in lieu of Charleston, West Virginia.
- 10) That Respondent works in Greenbrier County and keeps many of the public records, books and papers pertaining to his respective office there in lieu of Charleston, West Virginia.
- 11) That certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government has occurred under Respondent's tenure as Governor.
- 12) That certain members of the West Virginia Legislature have publicly raised concerns about the habitual work absenteeism by Respondent causing certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government.
- 13) That Respondent held multiple press conferences in response to certain members of the West Virginia Legislature and publicly declared that he would not make the seat of government his residency, would not show up to work every day at the seat of government, will continue to reside and work in Greenbrier County and only show up at the seat of government, Charleston, West Virginia, when it is convenient to him.

- 14) That Petitioner, as a citizen and taxpayer of the State of West Virginia, has a clear legal right in relief sought hereinbelow.
- 15) That Respondent is in violation of Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 for not performing his mandatory nondiscretionary constitutional and statutory duties.
- 16) That Petitioner is in absence of another adequate remedy other than a Writ of Mandamus being issued by this Court against Respondent.
- 17) That Petitioner has filed herewith a Memorandum in Support of Petition for Writ of Mandamus and hereby incorporates by reference every paragraph of it to this Pctition, which is attached hereto and incorporated by reference.
- 18) That Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional and statutory duties pursuant to Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 AND that he be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional and statutory duties, pursuant to Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4, and he be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Dated this 7<sup>th</sup> day of December 2018.

G. Isaac Sponaugle, III  
Petitioner

SPONAUGLE & SPONAUGLE  
ATTORNEYS AT LAW  
P. O. BOX 578  
FRANKLIN, WEST VIRGINIA 26807  
(304) 358-2337  
[isaac@sponauglelaw.com](mailto:isaac@sponauglelaw.com)

G. Isaac Sponaugle III  
State Bar #9720  
Petitioner

STATE OF WEST VIRGINIA

COUNTY OF PENDLETON, to-wit:

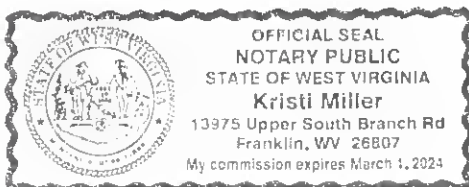
G. Isaac Sponaugle, III, Petitioner named in the foregoing Petition for Writ of Mandamus, being first duly sworn, say that the facts and allegations set forth therein are true and correct, except insofar as they are therein stated to be upon information and belief, and insofar as therein stated to be upon information and belief, they believe them to be true and correct.

G. Isaac Sponaugle, III

Taken, sworn to and subscribed before me, a Notary Public in and for the county and state aforesaid, this the 7<sup>th</sup> day of December 2018.

My commission expires March 1, 2024.

NOTARY PUBLIC



# SPONAUGLE & SPONAUGLE

ATTORNEYS AT LAW

GEORGE I. SPONAUGLE (1917-1995)

GEORGE I. SPONAUGLE II

G. ISAAC SPONAUGLE III

P. O. BOX 578

223 CHESTNUT STREET

FRANKLIN, WEST VIRGINIA 26807-0578

Telephone: 304-358-2337

Telecopier: 304-358-2483

George I. Sponaugle II Email:  
gsponaugle@sponauglelaw.com

G. Isaac Sponaugle III Email:  
isaacsponaugle@sponauglelaw.com

---

August 9, 2018

Honorable Governor Jim Justice  
Office of the Governor Jim Justice  
1900 Kanawha Street  
Charleston, WV 25305

RE: Notice of Intent to Sue after 30 Days, West Virginia Code §55-17-1, et seq. (2002)

The Honorable Governor Justice:

As you may be aware, I have filed a Petition for Writ of Mandamus in the Kanawha County Circuit Court to require James Conley Justice, II, Governor of the State of West Virginia, to meet his nondiscretionary mandatory constitutional duty, pursuant to Section 1 of Article VII of the West Virginia Constitution.

I do not believe that West Virginia Code §55-17-1, et seq. (2002), applies in the aforesaid action that is currently before the Kanawha County Circuit Court. Counsel for James Conley Justice, II, has filed a motion to dismiss asserting that West Virginia Code §55-17-1, et seq. (2002), applies to said action. This issue has yet to be ruled upon the Kanawha County Circuit Court and is currently pending.

If the Governor's motion to dismiss is granted for failure to provide a written thirty days' notice in advance of filing the aforesaid Petition for Writ of Mandamus action, then I will immediately refile the same with either the West Virginia Supreme Court of Appeals or the Kanawha County Circuit Court for the same relief requested in the aforesaid matter.

## **Letter of Intent to Sue after 30 Days**

The purpose of this letter to provide you written notice of my intent to file a civil action, pursuant to the provisions of West Virginia Code §55-17-1, et seq. (2002), against James Conley Justice, II, Governor of the State of West Virginia, to meet his nondiscretionary mandatory constitutional duty, pursuant to Section 1 of Article VII of the West Virginia Constitution, and seek relief, by way of a Writ of Mandamus, that he be ordered to reside at



The Honorable Governor Justice  
August 9, 2018  
Page 2.

the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Isaac Sponaugle III". The signature is stylized with large, overlapping loops and a prominent "G" at the beginning.

G. Isaac Sponaugle III

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Honorable Governor Jim Justice  
Office of the Governor Jim Justice  
1900 Kanawha Street  
Charleston, WV 25305



9590 9402 2667 6336 4223 95

2. Article Number (Transfer from service label)

7013 1710 0000 3418 3809

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Donald J. Kushner* ☐ Agent  
Address

B. Received by (Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Registered Mail
- ☐ Registered Mail Restricted Delivery (500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restrict Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Track Another Package +**

**Tracking Number:** 70131710000034183809

Remove X

**On Time**

**Expected Delivery on**

**MONDAY**

**13** AUGUST 2018 ⓘ **by 8:00pm** ⓘ

Feedback

 **Delivered**

August 13, 2018 at 5:18 am  
Delivered, To Agent  
CHARLESTON, WV 25301

---

## Tracking History



**August 13, 2018, 5:18 am**

Delivered, To Agent

CHARLESTON, WV 25301

Your item has been delivered to an agent at 5:18 am on August 13, 2018 in CHARLESTON, WV 25301.

**August 13, 2018, 3:32 am**

Arrived at Unit

SOUTH CHARLESTON, WV 25309

**August 13, 2018, 2:04 am**

Arrived at USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER

**August 12, 2018, 9:51 pm**

Departed USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER

**August 12, 2018**

In Transit to Next Facility

**August 11, 2018, 3:53 am**

Arrived at USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER

**August 9, 2018, 10:38 pm**

Arrived at USPS Regional Origin Facility  
MERRIFIELD VA DISTRIBUTION CENTER

**August 9, 2018, 4:01 pm**

Departed Post Office  
FRANKLIN, WV 26807

**August 9, 2018, 2:40 pm**

USPS in possession of item  
FRANKLIN, WV 26807

Feedback

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**Product Information**

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**See Less**

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)**

Feedback

### The easiest tracking number is the one you don't have to know.

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

### Sign Up

**([https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%3FtLabels%3D70131710000034183809)**

**\*NOTE:** Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through USPS automated equipment.

**SPONAUGLE & SPONAUGLE**  
ATTORNEYS AT LAW

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gsponaugle@sponauglelaw.com

G. Isaac Sponaugle III Email:  
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---

August 9, 2018

Attorney General of the State of West Virginia  
State Capitol, Room E-26  
1900 Kanawha Blvd. East  
Charleston, WV 25305

RE: Notice of Intent to Sue after 30 Days, West Virginia Code §55-17-1, et seq. (2002)

The Honorable Attorney General Morrissey:

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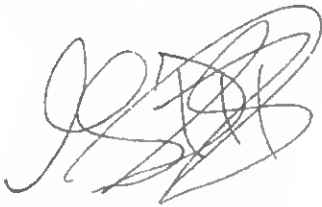
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The Honorable General Morrissey  
August 9, 2018  
Page 2.

the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Sincerely,

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G. Isaac Sponaugle III

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

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Attorney General of West Virginia  
State Capitol, Room E-26  
1900 Kanawha Blvd. East  
Charleston, WV 25305



9590 9402 2667 6336 4224 01

2. Article Number (Transfer from service label)

7013 1710 0000 3418 3816

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Ronald J. Kushner* ☐ Agent  
☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input checked="" type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation                     |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail (over \$500)                     |   |



# USPS Tracking® FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

**Track Another Package +**

**Tracking Number:** 70131710000034183816

Remove X

**On Time**

**Expected Delivery on**

**MONDAY**

**13** AUGUST 2018 ⓘ **by 8:00pm** ⓘ

Feedback

 **Delivered**

August 13, 2018 at 5:18 am  
Delivered, To Agent  
CHARLESTON, WV 25301

---

## Tracking History ^

**August 13, 2018, 5:18 am**

Delivered, To Agent

CHARLESTON, WV 25301

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**August 13, 2018, 3:16 am**

Arrived at Unit

SOUTH CHARLESTON, WV 25309

**August 13, 2018, 2:04 am**Arrived at USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER**August 12, 2018, 9:51 pm**Departed USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER**August 12, 2018**

In Transit to Next Facility

**August 11, 2018, 3:53 am**Arrived at USPS Regional Facility  
CHARLESTON WV PROCESSING CENTER**August 9, 2018, 10:38 pm**Arrived at USPS Regional Origin Facility  
MERRIFIELD VA DISTRIBUTION CENTER**August 9, 2018, 4:01 pm**Departed Post Office  
FRANKLIN, WV 26807**August 9, 2018, 2:39 pm**USPS in possession of item  
FRANKLIN, WV 26807

Feedback

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**Product Information**

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**See Less**

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

**FAQs** (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Feedback

### The easiest tracking number is the one you don't have to know.

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- See images\* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

#### Sign Up

([https://reg.usps.com/entreg/RegistrationAction\\_input?](https://reg.usps.com/entreg/RegistrationAction_input?app=Uspstools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%3FtRef%3Dfullpage&tLc%3D2&text28777%3D%26tLabe...)

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Judge: \_\_\_\_\_

**JAMES CONLEY JUSTICE, II,**

Governor of the State of West Virginia,  
Respondent.

**MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS**

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[isaac@sponauglelaw.com](mailto:isaac@sponauglelaw.com)  
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State Bar #9720  
Petitioner